

# Department of Homeland Security **Office of Inspector General**

## **The DHS Visa Security Program**






**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

September 10, 2014

MEMORANDUM FOR: The Honorable Thomas S. Winkowski  
Principal Deputy Assistant Secretary  
U.S. Immigration and Customs Enforcement

The Honorable R. Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection

FROM: John Roth   
Inspector General

SUBJECT: *The DHS Visa Security Program*

Attached for your action is our final report, *The DHS Visa Security Program*. We incorporated the formal comments from U.S. Immigration and Customs Enforcement in the final report.

The report contains 10 recommendations aimed at improving the Visa Security Program. Your office concurred with all the recommendations. The OIG considers recommendation #2 to be resolved and closed; recommendations #1 and #3 through #10 are resolved and open. Once your office has fully implemented the open recommendations, please submit a formal closeout request to us within 30 days so that we may close the recommendations. The request should be accompanied by evidence of completion of agreed-upon corrective actions.

Please email a signed PDF copy of all responses and closeout requests to [OIGInspectionsFollowup@oig.dhs.gov](mailto:OIGInspectionsFollowup@oig.dhs.gov). Until your response is received and evaluated, the recommendations will be considered resolved and open.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Deborah Outten-Mills, Acting Assistant Inspector General, Office of Inspections, at 202-254-4015.

Attachment



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## Abbreviations

CA	Bureau of Consular Affairs, U.S. Department of State
CBP	U.S. Customs and Border Protection
COM	Chief of Mission
DHS	Department of Homeland Security
DOS	Department of State
DS	Bureau of Diplomatic Security, U.S. Department of State
FY	fiscal year
ICE	U.S. Immigration and Customs Enforcement



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IO	International Operations
IV	immigrant visa
MOU	Memorandum of Understanding
NIV	nonimmigrant visa
NSDD-38	National Security Decision Directive – 38
NTC-P	National Targeting Center – Passenger
OIG	Office of Inspector General
PATRIOT	Pre-Adjudicated Threat Recognition and Intelligence Operations Team
SAO	Security Advisory Opinion
VSS	Visa Security Section
VSP	Visa Security Program
VSPTS	Visa Security Program Tracking System
VSU	Visa Security Unit



## **Executive Summary**

The Department of Homeland Security (DHS) Visa Security Program is intended to prevent terrorists, criminals, and other ineligible applicants from receiving visas. DHS assigns special agents with expertise in immigration law and counterterrorism to U.S. diplomatic posts overseas to perform visa security activities. We reviewed the program's effectiveness in preventing ineligible applicants from receiving U.S. visas; DHS' annual reporting to Congress on the program's expansion; and the efforts to expand the program to additional overseas posts, including the potential impact of a new initiative, the Pre-Adjudicated Threat Recognition and Intelligence Operations Team.

U.S. Immigration and Customs Enforcement (ICE) is required to employ mechanisms that measure and accurately report the program's performance to determine its value. However, current performance measures for the Visa Security Program do not include key aspects to determine its effectiveness. In addition, ICE has not taken actions to assure that (1) data needed to assess program performance is collected and reported, (2) consular officers receive appropriate advice and training, and (3) Visa Security Program hours are tracked and used to determine staffing and funding needs. Without these types of information, ICE cannot ensure that the Visa Security Program is operating as intended.

DHS has consistently delivered their annual reports to Congress late, reducing their usefulness. ICE should take appropriate steps to ensure that Congress receives future reports in a timely manner.

To date, ICE has established only 20 visa security units. Congressional leaders have repeatedly expressed concerns that the program has not expanded to more visa-issuing posts. ICE's responses to these concerns have stressed funding challenges, a limited number of trained special agents, and Department of State challenges to make space and provide support for DHS' overseas presence.

According to ICE officials, a solution to the program's slow expansion may be the Pre-Adjudicated Threat Recognition and Intelligence Operations Team. ICE officials explained that this new initiative will eventually be capable of screening visa applications from all visa-issuing posts. However, because it was still being tested at the time of our review, we were not able to determine its effectiveness.



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We are making 10 recommendations to improve the Visa Security Program. ICE concurred with each of the recommendations.



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## Background

### Legislative Basis for the Visa Security Program

The *Homeland Security Act of 2002*, as amended, established DHS responsibility for visa policy. Specifically, Section 428 of the Act granted the Secretary of Homeland Security the authority to issue regulations on, administer, and enforce the *Immigration and Nationality Act*, as amended, and other immigration and nationality laws for U.S. consular officers adjudicating visas.<sup>1</sup>

Section 428 of the Act specifies that DHS personnel assigned overseas shall perform the following functions:

1. provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications;
2. review visa applications either on the initiative of the DHS employee or upon request by a consular officer or other person charged with adjudicating such applications; and
3. conduct investigations with respect to consular matters under the jurisdiction of the Secretary of Homeland Security.<sup>2</sup>

Additional guidance for the Visa Security Program (VSP) can be found in appendix C.

### Organization of the Visa Security Program

The VSP is currently located within the ICE Homeland Security Investigations directorate. Management of the VSP is divided between International Operations (IO) and the National Security Investigations Division. Appendix D shows the current headquarters organization of the VSP. Additionally, ICE has established 20 Visa Security Units (VSUs) at U.S. diplomatic posts overseas.

#### Visa Security Program Foreign Operations

ICE established the VSP to enhance national security and public safety by preventing terrorists, criminals, and other ineligible applicants from receiving U.S. visas. ICE assigns

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<sup>1</sup> Public Law 107-296, Section 428(b)(1).

<sup>2</sup> Section 428(e)(2)(A)-(C).





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special agents with expertise in immigration law and counterterrorism to VSUs at U.S. diplomatic posts overseas to perform visa security activities.<sup>3</sup> While Department of State (DOS) consular officers continue to adjudicate all visa applications, the VSP complements the DOS visa screening process with law enforcement resources not available to consular officers to ensure ineligible applicants do not receive U.S. visas.

VSP special agents screen and vet visa applicants to determine eligibility. Screening involves:

- accessing DOS data systems to export visa application information meeting the VSU targeting profiles,
- converting data manually to a batch file of relevant data fields,
- importing batched data into TECS, and
- reviewing TECS output for possible derogatory information.<sup>4</sup>

Screening identifies applicants whose name or date of birth matches a record in a specific database held by DHS. ICE data indicates that VSP special agents screened over 1.3 million visa applicants in fiscal year (FY) 2012.

VSP special agents vet screened applicants with exact or possible matches to a record in a specific database held by DHS. Vetting includes:

- researching and investigating the visa applicant,
- examining documents submitted with the visa application,
- interviewing the applicant, and
- consulting with consular, law enforcement, or other officials.

VSP special agents also vet some applicants whose names do not match database records. This additional vetting is based on case selection guidelines. VSP special agents vetted more than 171,000 visa applicants in FY 2012.

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<sup>3</sup> VSP special agents are ICE special agents assigned to VSUs. Since not all VSUs are located at embassies, the term “post” is used because it includes both embassies and consulates.

<sup>4</sup> TECS (not an acronym) is an automated enforcement and inspections system that provides a large database of information for law enforcement and border inspection purposes, and serves a case management function for ICE. TECS supports DHS and other Federal users, and can exchange information automatically with several U.S. government systems, including the DOS Consular Lookout and Support System.





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As required by Section 428(e)(2)(A), VSP special agents provide advice and training to consular officers about security threats relating to adjudicating visa applications. Most of this advice and training occurs informally as consular officers consult with VSP special agents on individual visa applications. VSP special agents provide interpretation and expertise that enhances the consular officer's ability to identify threats when adjudicating visas.

#### Coordination with the Department of State

VSP officials routinely interact with DOS officials at headquarters and overseas posts to conduct day-to-day visa security operations. Additional interaction and coordination occurs on a regular basis to expand the program to additional overseas locations or develop new visa security initiatives. Most interaction and coordination occurs with Consular Affairs and Diplomatic Security.

#### The Bureau of Consular Affairs

The Bureau of Consular Affairs (CA) adjudicates U.S. passport and visa applications. Consular officers facilitate legitimate travel and prevent ineligible aliens from gaining admission to the United States. Consular officers abroad have the sole legal authority to adjudicate visa applications. Consular officers at overseas posts issue nonimmigrant visas (NIV) to temporary visitors and immigrant visas (IV) to people who intend to permanently immigrate to the United States. According to CA officials, more than 8.9 million NIVs and approximately 482,000 IVs were issued in FY 2012.

#### The Bureau of Diplomatic Security

The Bureau of Diplomatic Security (DS) is the security and law enforcement arm of DOS. The DS Criminal Investigative Division conducts criminal investigations of visa and passport fraud, both domestically and abroad. These Federal felonies are often committed in connection with more serious crimes, such as international terrorism, narcotics trafficking, organized crime, alien smuggling, money laundering, pedophilia, and murder. DS investigates and coordinates international visa fraud cases including fraudulent issuance, procurement, counterfeiting, and forgery of U.S. visas. DS works closely with CA on visa fraud cases.



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#### Approval of Permanent Positions at Overseas Posts

The Secretary of Homeland Security is authorized to assign personnel to diplomatic and consular posts where visas are issued. However, in accordance with National Security Decision Directive 38 (NSDD-38), DOS is responsible for evaluating and approving requests to establish permanent positions at overseas posts. NSDD-38, dated June 2, 1982, gives the Chief of Mission (COM) control of the size, composition, and mandate of overseas full-time mission staffing for all U.S. Government agencies.

Through the NSDD-38 process, DOS manages requests by U.S. Government agencies for additions, deletions, and changes to their staffing overseas. DOS evaluates and balances numerous factors, including basic “rightsizing” considerations such as office space at the embassy and ensuring that minimum numbers of U.S. citizens are placed in potentially high-risk locations.<sup>5</sup> The process coordinates this evaluation and culminates in the COM’s decision to approve or deny an agency’s NSDD-38 request to assign personnel to the post.

In 2012, DHS submitted NSDD-38 requests to establish VSP operations in Istanbul, Turkey, and Nairobi, Kenya. The COM denied the request to establish a VSU in Istanbul due to insufficient office space at the consulate. The request to establish a VSU in Nairobi was approved, but at a much smaller staffing level than requested due to space limitations.

#### Working with DOS at Overseas Posts

The consular section of U.S. embassies and consulates is responsible for adjudicating visa applications and issuing visas to non-U.S. citizens who need a visa to travel to the United States. Consular officers review each application, conduct automated name checks against watchlists of known terrorist or criminal suspects, obtain fingerprints and photos, and interview the visa applicant. The consular officer decides to approve or deny the application, or to request additional security checks or information before adjudicating the application.

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<sup>5</sup> Rightsizing is a framework that emphasizes aligning the number and location of staff assigned to U.S. embassies with foreign policy priorities, security, and cost constraints. A basic objective of rightsizing is to ensure that overseas posts perform only those functions that cannot be performed at regional centers or in the United States.



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When establishing a VSU at an overseas post, VSP officials work closely with consular officials to determine how to incorporate VSU activities into the visa process while minimizing their effect on the issuance process. The logistics of the consular visa process can vary by post depending on several factors, including the volume or type of visa applications and the number of available consular officers. VSUs work with each individual post to coordinate the optimal procedures and timing for performing visa security activities.

#### Visa Security Program Domestic Operations

Prior to adjudication, consular officers perform additional security checks—called Security Advisory Opinions (SAO) to applications that meet specific criteria for extra security. The SAO process is a multi-agency review managed by DOS. When consular officers have security-related concerns regarding a visa application, they submit requests to DOS headquarters for a specific type of SAO. Depending on the type of SAO required, DOS forwards the request to various Federal agencies, such as the Central Intelligence Agency or the Federal Bureau of Investigation, which perform in-depth reviews of the security-related concerns identified by DOS.<sup>6</sup> After conducting their review, the respective agencies inform DOS whether the applicant is eligible for a visa.

In May 2007, Congress mandated the establishment of an SAO Unit within the VSP. The unit responds to SAO requests by providing DOS with information in DHS holdings on the visa applicant that may be relevant to the applicant's eligibility for a visa. This information may pertain to the applicant's criminal or terrorism background or other relevant derogatory information. In 2012, the unit was renamed the Visa Security Section (VSS) to more accurately reflect its expanding visa security role. The VSS is also working to expand a joint vetting operation with U.S. Customs and Border Protection (CBP).

#### The Pre-Adjudicated Threat Recognition and Intelligence Operations Team Initiative May Expand VSP Coverage

In August 2010, ICE officials began an information technology modernization initiative to integrate ICE, CBP, and DOS systems. The product of this effort, known as the Pre-

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<sup>6</sup> Two types of SAOs are: (1) Visas Donkey – an SAO category requires interagency reviews of applicants 16 years or older who have: a security-related CLASS hit, a prior unfavorable SAO that has not been reversed, or has raised security concerns with a consular officer; and (2) Visas Mantis – an SAO category that applies to applicants who present a risk of violation or evasion of U.S. export control laws by exporting goods, software, technology, or sensitive information.



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Adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT), uses interagency resources to identify national security, public safety, and other visa eligibility concerns. PATRIOT currently screens visa applicants from the 20 VSU posts prior to the adjudication of their application by DOS consular officers. In addition, PATRIOT conducts in-depth screening of those applicants identified as having potential derogatory information that may be of investigative interest, or are otherwise ineligible to receive a visa from the United States. PATRIOT also conducts screening at the NTC-P rather than at an overseas post.

The VSS is responsible for developing, testing, and deploying PATRIOT. At the time of our review, PATRIOT was being tested and had not yet been fully deployed.

## Results of Review

### **The Effectiveness of the Visa Security Program Cannot Be Determined**

ICE is required to develop measures that accurately assess performance. However, current performance measures for the VSP do not accurately measure effectiveness. In addition, ICE did not take appropriate actions to ensure that (1) data needed to assess program performance is collected and reported, (2) appropriate advice and training is provided to consular officers, and (3) the amount of time needed for VSU-related activities at each post is tracked and used in determining staffing and funding needs. As a result, ICE is unable to ensure that the VSP is operating as intended.

### **Performance Measures Are Ineffective In Assessing VSP Progress in Meeting Mission Objectives**

Although the VSP began operations in 2003, ICE did not establish program objectives until 2007. In February 2007, ICE issued its *VSP Five-Year Expansion Plan* that described the VSP's primary mission objectives as:

1. counteracting threats before they reach the United States;
2. identifying not-yet-known threats to homeland security; and
3. maximizing the law enforcement and counterterrorism value of the visa process.



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The plan states that the VSP must measure its performance, and demonstrate the value it contributes to homeland security, by employing mechanisms that adequately and accurately measure and report performance. However, ICE does not have a process for: (1) using these performance measures to assess the VSP's progress and (2) ensuring that performance data is collected and maintained. Table 1 identifies performance measures, reporting mechanisms, and data limitations.



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**Table 1: VSP Performance Measures, Reporting Mechanisms, and Data Limitations**

<b>Performance Measure</b>	<b>Description</b>	<b>Reporting Mechanism</b>	<b>Data Limitations</b>
"Recommended to Refuse" Denials	Any instance where a VSP special agent provides input, advice, or information that results in a consular officer's decision to deny a visa to an ineligible applicant.	Visa Security Program Tracking System (VSPTS)	Not all VSUs consistently report data.
Additional Enforcement Outputs Generated	Represents the generation of additional law enforcement value, including terrorist watchlist entries, intelligence reports, investigative leads, and identification of terrorist trends and tactics.	VSPTS	None noted
Derogatory Information Removal	Reflects the removal of erroneous derogatory information that allows legitimate and eligible visa applicants to travel.	VSPTS	None noted
Investigations Opened/Closed; Hours Spent Supporting Investigative Activity	Captures the number of investigations opened and closed and the hours spent supporting domestic and foreign investigations.	VSPTS for open investigations; TECS for closed investigations; Hours are obtained from TECS	Some VSP special agents are not properly reporting hours. Data in TECS is not readily accessible.
Consular and Other Training Provided	Tracks the expert advice and training provided to consular officers.	VSPTS	VSP special agents are not properly reporting data.
Assistance and Liaison Provided	Measures how VSP special agents liaise with other law enforcement, intelligence, and host country officials.	Found in individual TECS reports	Data in TECS is not readily accessible.

Source: VSP Five-Year Expansion Plan and OIG analysis



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The following sections provide details regarding the deficiencies that we found with four of the performance measures:

#### Recommended To Refuse Denials

VSUs were not reporting “recommended to refuse” denials data in a consistent manner. For example, some VSUs only reported the number of recommendations to DOS, while other VSUs reported all refusals, including those that DOS denied without a VSP recommendation. In the absence of specific guidance for reporting these types of denials, program officials cannot make accurate and meaningful comparisons or evaluate trends.

#### Hours Spent Supporting Investigative Activity

For this performance measure, we requested that VSP program officials provide the hours each VSP Special Agent spent performing their duties from October 1, 2012, to April 30, 2013. VSP special agents are required to enter these hours in TECS; however, our review showed that not all VSP special agents properly inputted their hours into TECS. For example, according to the information provided, one VSP special agent recorded a total of only 16 hours from October 1, 2012, to April 30, 2013. During this 7-month time period, another VSP special agent at a different location recorded 64 of a total of 1,104 hours to VSP activities, even though his assigned VSU is prohibited by an embassy interagency agreement from performing non-VSP duties.<sup>7</sup>

Additionally, we found that data in TECS is not readily accessible to VSP program officials. For example, in order to provide us with the hours VSP special agents spent performing their duties, VSP program officials had to ask another ICE office to run a report from TECS. This is a cumbersome and time-consuming process that may not provide VSP program officials the information they need to effectively monitor program performance on a regular basis. This data accessibility issue was seen in the reporting of another performance measure—*Assistance and Liaison Provided*—as well.

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<sup>7</sup> According to VSP management officials, there is one VSU that is constrained by the COM from performing duties other than those related to visa security.





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#### Requirement To Provide Consular and Other Training

A senior program official stated that VSUs must document all training provided to consular officers in the VSPTS.<sup>8</sup> We requested program-related training documentation used to measure performance. However, VSUs were not consistently reporting and maintaining this type of information. VSP management officials were not aware of this until we requested the data. As a result of our inquiry, management officials directed the VSUs to: (1) update VSPTS to reflect all training conducted from October 1, 2012, to April 30, 2013; and (2) place greater emphasis on the requirement to report training provided in VSPTS. In addition, management officials increased their efforts to actively monitor VSPTS to ensure compliance with the reporting requirement.

After the VSUs updated VSPTS, we reviewed a Training Activity Report used to document training provided to consular officers. From the report, we were able to identify who had received training and the length of the training provided. However, we were unable to determine the specific training topics.

#### **VSP Performance Is Not Reflected in Current DHS Annual Reporting**

Senior management officials have expressed a lack of confidence in the value of current performance measures. As a result, VSP performance metrics are not currently included in ICE and DHS annual reporting, even though the program has received considerable funding.

While there is no legislative requirement, ICE and DHS annual reporting has included VSP performance metrics in the past. A senior official explained that one performance measure—the number of visa applications denied because of recommendations made by VSP special agents—was included in ICE and DHS annual reporting; however, it was removed because a former senior DHS management official did not consider the data to be significant.

Because of concerns about current performance measures, senior officials told us that they will use PATRIOT to develop new performance measures for the VSP. However, ICE has delayed these efforts until it fully deploys PATRIOT.

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<sup>8</sup> The VSPTS is the VSP's database for visa security functions. VSPTS is used by VSUs to facilitate automated screening functions, manage their workload, and record work efforts and findings; and by VSP program officials to monitor and report on the performance of its agents overseas.



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#### **Recommendations**

We recommend that the U.S. Immigration and Customs Enforcement's Executive Associate Director for Homeland Security Investigations:

##### **Recommendation #1:**

Develop performance measures that ICE can use to accurately determine the success of the VSP in meeting its mission objectives.

##### **Recommendation #2:**

Develop guidelines and implement a process to ensure that all VSUs are recording performance data in a timely and consistent manner.

##### **Recommendation #3:**

Include the new VSP performance metrics in future ICE and DHS annual reporting.

#### **Management Comments and OIG Analysis**

We evaluated ICE's written comments and have made changes to the report where we deemed appropriate. A summary of ICE's written response to the report recommendations and our analysis of the response follows each recommendation. A copy of ICE's response, in its entirety, is included as appendix B.

We also received technical comments from ICE and CBP and incorporated these comments into the report where appropriate. ICE concurred with all ten recommendations contained in the report. We appreciate the comments and contributions made by each entity.

##### **Management Comments to Recommendation #1:**

ICE officials concurred with this recommendation. In its response, ICE indicated that the implementation of PATRIOT has allowed for a more accurate collection of traditional VSP metrics from all posts. ICE currently tracks and reports these metrics on a weekly basis. Additionally, ICE stated that it has established a formal



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annual process that uses qualitative and quantitative data to communicate the successes and challenges faced by each of its international offices. Finally, ICE is conducting monthly conference calls with each VSP post to address reporting concerns as well as any program issues not captured in the traditional VSP metrics.

#### **OIG Analysis:**

We consider ICE's actions partially responsive to the intent of this recommendation, which is resolved and open. While the accurate collection of traditional VSP metrics and better reporting of those metrics is a step in the right direction, it does not alleviate the concerns that ICE management officials had expressed to us about the value of the current performance measures. Moreover, ICE officials had told us that new performance metrics would be developed once PATRIOT was fully deployed. We will close this recommendation upon receipt of documentation that describes the development and implementation of performance metrics that accurately determine the success of the VSP in meeting its objectives.

#### **Management Comments to Recommendation #2:**

ICE officials concurred with this recommendation. In its response, ICE agreed that the VSUs had been inconsistent in the way they recorded metrics or performance, specifically the number of recommended refusals. ICE overcame this concern with the transition to PATRIOT. Each VSU now captures and reports screening and vetting data, including "Recommended Refusal" statistics, with uniformity. ICE attributes this to the implementation of pre-adjudicated vetting which now enables the VSUs to make their recommendations to DOS prior to the applicant's interview.

#### **OIG Analysis:**

We consider ICE's actions responsive to the intent of this recommendation, which is resolved and closed.

#### **Management Comments to Recommendation #3:**

ICE officials concurred with this recommendation. In its response, ICE reiterated that it currently tracks and reports VSP performance metrics on a weekly basis.



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In addition, ICE stated that it will provide cumulative metrics for inclusion in any required annual reporting.

#### **OIG Analysis**

We consider ICE's actions responsive to the intent of the recommendation, which is resolved and open. We will close this recommendation upon receipt of the cumulative metrics that ICE submits for inclusion in DHS annual reporting.

#### **Guidance for Providing Training to Consular Officers Needs To Be Developed**

Section 428(e)(2)(A) of the *Homeland Security Act of 2002* requires VSP special agents to provide "expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications." However, we identified inconsistencies in the training provided to consular officers. In addition, training did not cover subjects that consular officers needed to identify security threats relating to the visa process.

A 2003 Memorandum of Understanding (MOU) between DHS and DOS defines "expert advice" to include:

- gathering and reviewing intelligence reports and coordinating with other agencies at post to consolidate up-to-date information and making this information available to consular officers in a timely and useful manner;
- briefing consular officers and providing training sessions to consular officers, as appropriate, concerning terrorist groups or other entities that pose a threat to homeland security and questions and interview techniques useful in detecting persons who may be a threat or whose applications may be fraudulent; and
- consulting with consular officers on particular visa applicants who raise homeland security concerns.<sup>9</sup>

A 2011 MOU between DHS and DOS directs the VSUs to develop formal, targeted training and briefings to inform consular officers and other U.S. Government

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<sup>9</sup> *Memorandum of Understanding between the Secretaries of State and Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002, 6.e.*



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personnel at diplomatic and consular posts of identified threats relating to the visa process.<sup>10</sup>

VSP management officials and special agents explained that the subjects covered in training provided to consular officers typically include document fraud, immigration law, interview techniques, and human trafficking. However, consular officers told us that training does not cover critical subjects needed to enhance their skills. Examples of the comments were:

- some VSUs provide introductory briefings to new consular officers, while others do not;
- a formalized orientation from the VSP would be very useful because many consular officers are encountering VSP special agents for the first time;
- it would be helpful if the training provided by VSP special agents could include more information about DHS organization, mission, processes, and procedures; and
- it would be useful for consular officers to know the kind of leads emerging from the VSUs that they should be aware of when adjudicating visas.

During our site visits, we received conflicting views from VSP special agents and consular officers regarding the extent to which training is provided. For example, VSP special agents at one post said consular officers are receiving training. In contrast, consular officers at the same post said they had not received any training. Also, a VSP special agent at another post said he had not conducted any official training for consular officers in a while. A VSP special agent at another post commented that he does not conduct formal training because of the consular section's workload.

In our online survey of all 46 VSP special agents, we asked whether the VSP provides training to the consular section at post.<sup>11</sup> Of the 35 VSP special agents who responded, 33, or 94 percent, said they do provide training.

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<sup>10</sup> *Memorandum of Understanding among U.S. Immigration and Customs Enforcement of the Department of Homeland Security and the Bureau of Consular Affairs and Diplomatic Security of the Department of State on Roles, Responsibilities and Collaboration at Visa Security Units Abroad.*

<sup>11</sup> We conducted two separate online surveys—one of VSP special agents (35 agents responded out of the 46 that were surveyed, a 76 percent response rate) and the other of senior consular officers (28 consular



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Of the 41 consular officers who received our survey, 28, or 68 percent, responded. Only 18, or 64 percent, said the VSU provides training. Table 2 shows the results of our online survey.

**Table 2: Responses for VSU Training at Posts**

Respondents	Number of Respondents	Yes	No
VSP special agents	35	33 (94%)	2 (6%)
Consular officials	28	18 (64%)	10 (36%)

Source: OIG Online Survey

Our online survey also asked how often the VSU provided training to consular personnel at post. Of the 33 VSP special agents that responded, 14, or 43 percent, said they provide training to the consular section on an ad hoc basis and 9, or 27 percent, said they administer training to the consular section on a quarterly basis. However, of the 18 consular officials who responded, 15, or 83 percent, said their sections received training from the VSU on an ad hoc basis, and 1 said consular officers received training on a quarterly basis. Table 3 shows the survey results.

**Table 3: Responses for Frequency of VSU Training at Posts**

Respondents	Number of Respondents	Monthly	Quarterly	Annually	Ad Hoc
VSP special agents	33	6 (18%)	9 (27%)	4 (12%)	14 (43%)
Consular officials	18	0 (0%)	1 (6%)	2 (11%)	15 (83%)

Source: OIG Online Survey

As previously detailed in this report, VSP special agents did not record training provided to consular officers. Therefore, we were unable to confirm the specific topics covered in training sessions. However, our review of a Training Activity Report showed significant variations for the number and frequency of training sessions provided to consular officers at different posts. Table 4 shows the results of our analysis of the training conducted at the 19 posts reviewed.

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officers responded out of the 41 that were surveyed, a 68 percent response rate) at posts that have VSP special agents.



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**Table 4: Training Sessions from October 2012 to April 2013**

VSU Post	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
1								0
2								0
3	1	1	1	1	1	1	3	9
4		1			1			2
5	5	5	4	6	6	7	5	38
6	1						2	3
7			1	1	1	1		4
8	1						1	2
9						1	1	2
10							1	1
11	1	1	2			2		6
12					1			1
13							3	3
14	2	2	2			1	1	8
15	5	4	6	5	4	5	7	36
16	2						2	4
17		1					1	2
18					1	1	2	4
19	1	1					3	5

Source: OIG analysis

A senior VSP official acknowledged that training provided to consular officers was lax and conducted on an ad hoc basis. He added that efforts are underway to develop a more collaborative process for VSP special agents to share information and trends identified at posts with consular officers.

The 2003 and 2011 MOUs identify the intent and types of training that consular officers and other U.S. Government personnel should receive at diplomatic and consular posts. However, guidance to ensure the frequency and appropriateness of training sessions needs to be established. Also, in the absence of a method to track the training topics, training provided to consular officers cannot be confirmed.





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#### **Recommendations**

We recommend that the U.S. Immigration and Customs Enforcement's Executive Associate Director for Homeland Security Investigations:

#### **Recommendation #4:**

In coordination with the Bureau of Consular Affairs, develop and implement a training curriculum for consular employees at VSU posts that satisfy the intent of the *Homeland Security Act*, and subsequent MOUs. This should include, at a minimum, a process to determine the specific types of training needed, and the frequency of training provided to consular officers at VSU posts.

#### **Recommendation #5:**

Develop a process to ensure that training is tracked. At a minimum, this should include the training topic, the recipient of the training, and the date of the training.

#### **Management Comments and OIG Analysis**

##### **Management Comments to Recommendation #4:**

ICE officials concurred with this recommendation. In its response, ICE said it will coordinate with DOS to develop an updated training curriculum that meets the needs of the consular employee as well as the intent of the *Homeland Security Act* and subsequent MOUs.

##### **OIG Analysis:**

We consider ICE's actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation upon receipt of the updated training curriculum.

##### **Management Comments to Recommendation #5:**

ICE officials concurred with this recommendation. In its response, ICE said it will discontinue recording training in the VSPTS and transition to a TECS-based system. Each VSU will be directed to open an annual TECS case to document the



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required quarterly training for consular officers within that VSU's Area of Responsibility. Additionally, IO will re-emphasize the need for, and requirement of, regular training to consular officers during its monthly conference calls.

#### **OIG Analysis:**

We consider ICE's actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation upon receipt of documentation that describes the procedures that VSUs will use to document training in TECS.

#### **Amount of Time Spent On VSP Duties Cannot Be Determined**

VSP special agents perform other duties that are unrelated to visa security. VSP officials told us the volume of visa applications that VSUs screen and vet dictates how much time each VSP special agent is able to dedicate to non-VSP activities. However, ICE does not have a mechanism to determine the time agents spend on VSP activities. This type of information could serve as a useful tool to determine staffing and funding needs based on workload requirements.

We requested data to determine the number of hours that VSP special agents spent performing VSP and non-VSP duties from October 1, 2012, to April 30, 2013. From the TECS report provided, we were unable to distinguish between the VSP and non-VSP duties. A senior VSP official told us the report from TECS was the only information that could be produced.

Non-VSP activities include the full range of law enforcement functions that all ICE special agents have the authority to perform. These include counter proliferation, fraud, human trafficking, and money laundering. Additionally, some post-specific duties include outreach programs with the local government, various embassy committee memberships, and hosting visiting DHS officials. DHS tasks some senior VSP special agents with the role of ICE attaché, a duty assigned to the senior ICE special agent at post.<sup>12</sup> Moreover, some senior VSP special agents may also be designated as DHS "dual hat" attachés—a responsibility given to the senior DHS Representative at post—who serve as the COM's primary point of contact for all DHS policy and administrative matters at post.

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<sup>12</sup> An attaché is a person who works at an embassy as an expert on a particular subject.



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We found that the amount of time VSP special agents spend on non-VSP activities varies at posts we visited. For example, a VSP special agent at one post said he spends about 20 percent of his time on non-VSP activities, while another agent at the same post said he spends “a great deal” of his time on non-VSP issues. At other posts, some of the VSP special agents reported spending as much as 50 to 75 percent of their time on non-VSP activities. Nonetheless, all of the VSP special agents to whom we spoke said the screening and vetting of visa applications is their first priority, and their non-VSP duties had not conflicted with that priority.

Our online survey asked VSP special agents what percentage of their typical work week is devoted to VSP activities (as opposed to other ICE responsibilities). Of the 35 respondents, 11, or 31 percent, said they spend over 75 percent of their work week on VSP activities. Another 4, or 11 percent, said they spend less than 25 percent of their time on VSP activities. Table 5 shows the survey results.

**Table 5: Percentage of Work Devoted to VSP Activities**

Respondents	Number of Respondents	Over 75%	50%-75%	25%-50%	Less than 25%
VSP special agents	35	11 (31%)	10 (29%)	10 (29%)	4 (11%)

Source: OIG Online Survey

We found that the amount of time spent on VSP duties is affected by whether VSP special agents had attaché responsibilities. For example, of the 20 VSP special agents with ICE or DHS attaché duties, 8, or 40 percent, spend 25 to 50 percent of their typical work week on VSP activities.

Information on the amount of time that VSP special agents spend on visa and non-visa related activities could provide additional support for staffing decisions. ICE needs to develop a process that can incorporate this additional information as part of the decision-making processes.

### **Recommendations**

We recommend that the U.S. Immigration and Customs Enforcement’s Executive Associate Director for Homeland Security Investigations:



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#### **Recommendation #6:**

Develop a process to ensure that VSP special agents record their hours in TECS in an accurate and timely manner.

#### **Recommendation #7:**

Develop a reporting mechanism to provide information on the amount of time that VSP special agents spend on VSP and non-VSP activities.

#### **Recommendation #8:**

Develop a methodology for staffing VSUs that includes workload requirements for performing visa security duties.

#### **Management Comments and OIG Analysis**

##### **Management Comments to Recommendation #6:**

ICE officials concurred with this recommendation. In its response, ICE said it will re-emphasize the requirement for VSU personnel to accurately track and record case hours in TECS by the tenth working day of the new month as mandated by ICE policy. Additionally, ICE will develop and provide guidance to each post on how to accurately report investigative hours to either a post-specific VSP general case number or an investigative case category.

##### **OIG Analysis:**

We consider ICE's actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation upon receipt of the guidance ICE provides to each post on how to accurately report investigative case hours.

##### **Management Comments to Recommendation #7:**

ICE officials concurred with this recommendation. In its response, ICE said it now requires that VSU personnel attribute all VSP related hours to specific VSP case numbers. VSU personnel should report all non-visa security investigative work under the appropriate program specific case number. In addition, ICE will work



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with the Executive Information Unit to create appropriate case hour reports for use by management.

#### **OIG Analysis:**

We consider ICE's actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation upon receipt of (1) the guidance provided to VSU personnel concerning the proper reporting of VSP related hours; (2) the guidance provided to VSU personnel concerning the proper reporting of non-visa security investigative work; and (3) a copy of the new case hours report.

#### **Management Comments to Recommendation #8:**

ICE officials concurred with this recommendation. In its response, ICE agreed to further expand its post specific analysis of future VSUs to reflect the anticipated volume of VSP and non-VSP related duties. ICE will accomplish this through the analysis of DOS reported visa volume at VSU posts and ICE's correlated origin-transit-destination data related to other programmatic areas within the post's area of responsibility. In conjunction with this analysis, ICE will utilize its global footprint assessment, with corresponding site selection process, to provide a standardized and repeatable site selection approach that assists in making expansion and right-sizing decisions that align to future goals and objectives.

#### **OIG Analysis:**

We consider ICE's actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation upon receipt of a directive or similar document that (1) provides the results of the analysis conducted and (2) describes in detail the new standardized and repeatable site selection process.

#### **DHS Annual Reports Need to be Timely Submitted to Congress**

The *Homeland Security Act of 2002* requires annual reports about VSP expansion, and requires DHS to explain why it has not expanded to more countries. We asked ICE to provide us with the annual reports submitted for FYs 2010, 2011, and 2012. However, ICE was only able to provide the FY 2010 report, which it had not submitted to Congress until June 2012. Although it was submitted late,



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the FY 2010 report responded that the Secretary had not determined that (1) assigning ICE special agents to any particular post would not promote homeland security, and (2) deploying ICE special agents to all overseas posts, including low-risk posts, would promote homeland security.

Officials told us that the FY 2011 report was in draft pending final review from DHS, and the FY 2012 report was not finalized.

Because DHS reports to Congress are often submitted late, the House of Representatives Committee on Appropriations Report on the DHS Appropriations Bill, 2014, recommended decisive action to improve accountability.

The annual reports provide ICE's plan for VSP expansion to Congress. Therefore, it is imperative that Congress receives these reports timely.

#### **Recommendation**

We recommend that the U.S. Immigration and Customs Enforcement Director:

#### **Recommendation #9:**

Submit the annual Visa Security Program Report to Congress within one year of the end of each fiscal year, consistent with the intent of the *Homeland Security Act of 2002*.

#### **Management Comments and OIG Analysis**

##### **Management Comments to Recommendation #9:**

ICE officials concurred with this recommendation. In its response, ICE said IO will ensure that a final report is completed prior to the end of the second quarter of each fiscal year. According to ICE, this will provide ICE and DHS leadership sufficient time for review and clearance prior to submission to Congress.

##### **OIG Analysis:**

ICE's actions are responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation upon receipt of (1) a



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directive or other document that prescribes IO's responsibilities for ensuring a final report is completed prior to the end of the second quarter of each fiscal year, and (2) a final report that was successfully completed within one year of the end of the fiscal year.

#### **Visa Security Program Expansion Has Been Slow**

Section 428(e)(1) of the *Homeland Security Act of 2002* states:

The Secretary is authorized to assign employees of the Department to each diplomatic and consular post at which visas are issued, unless the Secretary determines that such an assignment at a particular post would not promote homeland security.

Only 20 of 225 visa-issuing posts have VSUs. The program's slow expansion, particularly to high-risk visa-issuing posts, has been raised as a concern at several congressional oversight and appropriations hearings. According to program officials, VSP expansion has been constrained by budget limitations, difficulties obtaining visas for certain countries, DOS' mandate to reduce personnel overseas, and objections from DOS officials at some posts due to security concerns or space limitations.

In February 2007, ICE published its *VSP Five-Year Expansion Plan*. This plan included covering 75 percent of the highest-risk visa activities by 2013, and building ICE's global infrastructure and capability to address visa security risks on an on-going basis. The plan identified 32 candidate posts for expansion between 2009 and 2013 based on ICE's best assessment of the security situation. ICE has only established 12 additional posts since issuing the plan.

In FY 2012, the VSP was appropriated \$4.4 million in 2-year funds (FY 2012–13) that Congress specified to be used to finance expansion of the program to two additional overseas consular posts. ICE selected two posts for expansion. However, ICE did not establish these VSUs as planned. DOS denied the request to establish a 4-person VSU in one location due to space limitations. In the other location, DOS did not concur with DHS' request to establish a 6-person VSU, and approved the assignment of one full-time position and one long-term temporary duty position. As a result, ICE had over \$3.4 million in expansion funds that were scheduled to expire at the end of FY 2013.





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ICE received congressional approval to use these funds to create VSP positions at four existing ICE overseas offices. The conversion of these positions was not subject to the NSDD-38 process because the positions are already authorized. A senior program official told us that there are no pending expansion requests to DOS. Additionally, the FY 2014 budget did not include expansion funds for VSP.

#### **PATRIOT and the Future of the VSP**

While some VSUs screen and vet visa applications for other posts, they are primarily responsible for applications submitted to their local consular section. In contrast, PATRIOT is based in the United States and, according to VSP officials, will ultimately be able to screen applications for all 225 visa-issuing posts. In cases where PATRIOT determines there is information that could make an applicant ineligible, vetting may need to be performed by special agents at VSU posts. In these cases, VSP officials explained PATRIOT would send a lead to an ICE special agent at that post or at a post within close proximity, with a request that additional investigation be conducted. Program officials said this lead could be sent to any ICE special agent at any overseas post. In June 2014, VSP officials told us PATRIOT is now screening applicants from the 20 VSUs. However, PATRIOT will not be able to screen applicants for all 225 visa issuing posts without additional investments in infrastructure and personnel.

According to VSP officials, PATRIOT has the potential to significantly increase the effectiveness and efficiency of the VSP. At a recent House Appropriations Committee on Homeland Security hearing, the ICE Deputy Director testified that "ICE aims to increase screening capabilities by enhancing the existing PATRIOT technology to cover all visa issuing posts worldwide. This modernization effort will enable all ICE attaché offices to perform visa security operations."<sup>13</sup>

#### **Recommendation**

We recommend that the U.S. Immigration and Customs Enforcement's Executive Associate Director for Homeland Security Investigations:

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<sup>13</sup> Written testimony of ICE Deputy Director Daniel Ragsdale for a House Committee on Appropriations, Subcommittee on Homeland Security hearing on ICE's FY 2015 Budget Request (March 13, 2014).



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#### **Recommendation #10:**

Continue to evaluate the feasibility of making all ICE overseas offices responsible for conducting visa security operations. At a minimum, this should include (1) a determination about the VSU organizational structure, and (2) the roles and status of PATRIOT.

#### **Management Comments and OIG Response**

##### **Management Comments to Recommendation #10:**

ICE officials concurred with this recommendation. In its response, ICE said it is currently working with DOS on an MOU that will support the expansion of VSP operations beyond the current 20 posts. To support expansion, an incremental increase of headquarters and PATRIOT analytical support will be required. ICE will also need to deploy additional special agents where it currently has a presence in order to enable those offices to take on VSP duties. Expansion to posts that currently do not have an ICE presence will require additional investments in infrastructure and personnel.

##### **OIG Analysis:**

We consider ICE's actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation upon receipt of (1) the MOU with DOS that supports the expansion of the VSP and (2) a document that describes the analysis conducted for increased personnel and infrastructure.



## **Appendix A**

### **Objectives, Scope, and Methodology**

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-206) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special review reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

We reviewed ICE's Visa Security Program (VSP) to determine the program's effectiveness in preventing ineligible applicants from receiving U.S. visas; DHS' annual reporting to Congress on the program's expansion; and the efforts to expand the program to additional overseas posts, including the potential impact of a new initiative, the Pre-Adjudicated Threat Recognition and Intelligence Operations Team.

To accomplish these objectives, we reviewed statutes, regulations, and memoranda of understanding related to the VSP. We reviewed strategic plans, expansion plans, weekly and monthly reports, performance data, budget records, and training materials. We also examined VSP policies and procedures, guidance, and case files.

Additionally, we conducted approximately 100 interviews of officials within DHS, DOS, and other organizations at headquarters and four foreign locations. In addition to interviews at the posts, we observed the consular visa process and Visa Security Unit (VSU) operations. In addition to our site visits, we conducted an online survey of all VSP special agents assigned to VSUs, as well as senior consular officials at those posts that have a VSU. Our fieldwork was conducted from November 2012 through September 2013.

We conducted this review under the authority of the *Inspector General Act of 1978*, as amended, and according to the Quality Standards for Inspections issued by the Council of the Inspectors General on Integrity and Efficiency.



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## Appendix B

### Management Comments to the Draft Report

*Office of Management and Administration*

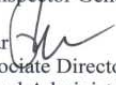
U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



**U.S. Immigration  
and Customs  
Enforcement**

July 14, 2014

MEMORANDUM FOR: Deborah Outten-Mills  
Acting Assistant Inspector General for Inspections  
Office of the Inspector General

FROM: Radha C. Sekar   
Executive Associate Director  
Management and Administration

SUBJECT: Management Response to OIG Draft Report, "The DHS Visa  
Security Program", dated June 12, 2014

U.S. Immigration and Customs Enforcement (ICE) thanks you for the opportunity to review and respond to the DHS Office of the Inspector General (OIG) draft report titled "The DHS Visa Security Program (VSP)."

The draft report contains 10 recommendations. We have reviewed the draft report and concur with each of the recommendations identified. We have addressed the majority of weaknesses identified in the report, and have already begun developing plans of action to facilitate timely closure of the remaining recommendations. The following is our formal response for each recommendation in the draft report.

**Recommendation 1:** Develop performance measures that ICE can use to accurately determine the success of the VSP in meeting its mission objectives.

**Response:** ICE concurs with this recommendation. The implementation of PATRIOT has allowed for a more accurate collection of traditional VSP metrics (overall visa volume as well as screening, vetting, recommendations, watch list additions, etc.) from all posts. HSI International Operations and National Security Investigations Division both currently track and report VSP metrics on a weekly basis to each respective Assistant Director. At the request of VSP HQ, VSP PATRIOT engineers continue to make improvements on the daily and monthly reporting mechanisms to more accurately report statistics.

Additionally, International Operations has instituted an annual operational planning and office review process called OIA TRAK (Office of International Affairs Transparency Results Accountability Knowledge sharing). This process establishes a formal annual process driven by the International Operations Front Office that uses qualitative and quantitative data to

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communicate the successes and challenges unique to each of its international offices. VSP metrics are included in the discussion and overall evaluation of posts with VSU's.

Finally, monthly Touch Point conference calls are conducted with each VSP post to address reporting concerns as well as program issues and/or successes not captured in the traditional VSP metrics. ICE requests this recommendation be considered resolved and closed.

**Recommendation 2:** Develop guidelines and implement a process to ensure that all VSUs are recording metrics/successes in a timely and consistent manner.

**Response:** ICE concurs with this recommendation. One of the constant challenges the VSP program has traditionally faced is how to measure its successes or capture statistics on preventing a terrorist attack. Prior to the implementation of PATRIOT, Visa Security Posts were inconsistent in the way they recorded metrics or performance, specifically the number of recommended refusals. VSP has overcome many of these concerns with the transition to PATRIOT by all 20 VSP Posts in 2014. Each VSP post now captures screening and vetting data, including "Recommended Refusal" Statistics, with uniformity. This can largely be attributed to the implementation of pre-adjudicated vetting which now enables the VSU to make their recommendation on all NIV applications to DOS prior to the DOS interview.

Both HSI International Operations and NSID Visa Security Section (VSS) currently track and report VSP performance metrics through their respective chains of command. These statistics are available upon request from senior DHS leadership and cumulative metrics will be provided for inclusion in any annual reporting. ICE requests this recommendation be considered resolved and closed.

**Recommendation 3:** Include the new VSP performance metrics in future ICE and DHS annual reporting.

**Response:** ICE concurs with this recommendation. As noted in the response to recommendation 2, both HSI International Operations and VSS currently track and report VSP performance metrics through their respective chains of command. The cumulative metrics will be provided for inclusion in any required annual reporting. ICE requests this recommendation be considered resolved and open pending completion of the corrective action. Estimated Date for Completion: September 30, 2014

**Recommendation 4:** In coordination with the Bureau of Consular Affairs, develop and implement a training curriculum for consular employees at VSU posts that satisfy the intent of the Homeland Security Act, and subsequent MOUs. This should include, at a minimum, a process to determine the specific types of training needed, and the frequency of training provided to consular officers at VSU posts.

**Response:** ICE concurs with this recommendation. Training at post is often influenced by the size of the post and the rate of turn over within the Department of State's Bureau of Consular Affairs (BCA). These two factors often affect the frequency and scope of the trainings. In

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addition to scheduled and ad hoc training at post, HSI International Operations conducts training for deploying consular affairs officers every three weeks at the Foreign Service Institute in Arlington, Virginia.

HSI International Operations will coordinate with BCA to develop an updated training curriculum that meets the needs of the consular employee as well as the intent of the Homeland Security Act, and subsequent MOU's. HSI International Operations will request input from both consular officers and HSI VSP special agents overseas to ensure the training needs are being met both on a programmatic as well as post specific level, including emerging local threats. ICE requests this recommendation be considered resolved and open pending completion of the corrective action. Estimated Date for Completion: September 30, 2014

**Recommendation 5:** Develop a process to ensure that training is tracked. At a minimum, this should include the training topic, the recipient of the training, and the date of the training.

**Response:** ICE concurs with this recommendation. In an effort to improve the documentation and reporting of consular trainings HSI International Operations will discontinue recording trainings in the Visa Security Program Tracking System (VSPTS) and transition to a TECS based system.

Each VSU office will be directed to open an annual TECS case to document the required quarterly trainings for consular officers within that office's area of responsibility. This has proven to be a successful tracking method for other HSI initiatives such as the International Outreach Initiative (IOI).

The first, or "opening," Report of Investigation (ROI) will provide a general description and purpose for opening the case. All subsequent ROI's will document the training topic, the recipients, and the dates of training under the appropriate case category. Therefore, each ROI will account for a specific training and will subsequently be used to track the total number of trainings given. At the end of each FY, the case agent(s) for the case will write a summary, or "closing" ROI, documenting the number of trainings given.

HSI International Operations will also re-emphasize the need for, and requirement of, regular training to Consular Affairs officers at post during the monthly VSP touch point calls. ICE requests this recommendation be considered resolved and open pending completion of the corrective action. Estimated Date for Completion: September 15, 2014

**Recommendation 6:** Develop a process to ensure that VSP special agents record their hours in TECS in an accurate and timely manner.

**Response:** ICE concurs with this recommendation. HSI will re-emphasize the requirement for VSU personnel to accurately track and record case hours in TECS by the tenth working day of the new month as mandated by ICE policy. HSI will also develop and provide guidance to each post on how to accurately report investigative case hours to either a post specific VSP general

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case number or to an investigative case category. ICE requests this recommendation be considered resolved and closed.

**Recommendation 7:** Develop a reporting mechanism to provide information on the amount of time that VSP special agents spend on VSP and non VSP activities.

**Response:** ICE concurs with this recommendation. Previously, HSI had directed VSUs to record their hours in a manner that would reflect the breadth and diversity of casework originating from VSP operations. HSI will now require VSU personnel to attribute all VSP related hours to VSP case numbers. (Note: All leave, administrative activities, and post support functions are considered VSP related.) Any non-visa security investigative work will be reported under the appropriate program specific case number. HSI will work with the Executive Information Unit (EIU) to create appropriate reports within COGNOS (a web based information reporting tool used by HSI to organize and report data from TECS) in order to provide accurate case hour reports. ICE requests this recommendation be considered resolved and open pending completion of the corrective action. Estimated Date for Completion: September 30, 2014

**Recommendation 8:** Develop a methodology for staffing VSUs that includes workload requirements for performing visa security duties.

**Response:** ICE concurs with this recommendation. HSI will further expand its post specific analysis of future VSU's to reflect the anticipated volume of VSP and non-VSP related duties. This will be accomplished through the analysis of DOS reported visa volume at post and HSI correlated origin-transit-destination data related to other programmatic areas within the posts AOR. Currently, DOS defines post visa volume into small, medium, large and extra-large. HSI would use these classifications, along with Post refusal rates and visa validation reports as a base for determining proposed staffing at new or existing HSI posts.

In conjunction with this analysis, HSI will utilize its global footprint assessment, with corresponding site selection process, to provide a standardized and repeatable site selection approach to assist ICE HSI VSP in making expansion and rightsizing decisions that align to future goals and objectives. It will ensure that HSI's overseas offices are positioned regionally and effectively staffed to successfully carry out ICE's international mission. ICE requests this recommendation be considered resolved and open pending completion of the corrective action. Estimated Date for Completion: September 30, 2014

**Recommendation 9:** Submit the annual Visa Security Program Report to Congress within one year of the end of each fiscal year, consistent with the intent of the Homeland Security Act of 2002.

**Response:** ICE concurs with this recommendation. International Operations will ensure that a final report is completed prior to the end of the second quarter of each fiscal year. This will allow ICE leadership and DHS sufficient time for review and clearance prior to submission to Congress. ICE requests this recommendation be considered resolved and open pending completion of the corrective action. Estimated Date for Completion: April 15, 2015

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**Recommendation 10:** Continue to evaluate the feasibility of making all ICE overseas offices responsible for conducting visa security operations. At a minimum, this should include (1) a determination about the VSU organizational structure, and (2) the roles and status of PATRIOT.

**Response:** ICE concurs with this recommendation. HSI is currently working with DOS on a Memorandum of Understanding that will support the expansion of VSP operations beyond the current 20 posts. Post selection is based on established site selection methodology (agreed upon by HSI, DOS and the National Security Council), current evaluation of visa metrics, and personnel resources. To support expansion an incremental increase of HQ and PATRIOT analytical support will be required. HSI will also need to deploy additional special agents where HSI currently has a presence enabling the office to undertake VSP operations. Expansion beyond current HSI posts would require additional investments in infrastructure as well as personnel. An increase in expansion is dependent on available resources and DOS NSDD-38 approval.

International Operations and VSS are coordinating efforts to support the above expansion, with each component responsible for different but closely related roles to support the VSU posts and the overall VSP mission. VSS supports the VSP operations overseas through classified research on visa applicants to determine potential ties to terrorist and/or criminal activity. The VSS responds to security advisory opinion (SAO) requests from consular regarding a visa applicant's eligibility for a visa and also coordinates with Customs and Border Protection (CBP) on admissibility issues of visa applicants. The VSS is also the lead technical representative for PATRIOT implementation and modification. The VSP HQ unit, located within International Operations, is responsible for budget and staffing of VSP posts and projects, training, and TDY support. HSI International Operations Headquarters directly with the VSU's and The Bureau of Consular Affairs regarding questions on visa recommendations and quality control.

All VSP posts are currently screening 100% of Non-Immigrant visa applicants through PATRIOT. ICE is currently working with DOS to implement PATRIOT 100% screening of Immigrant visas by Fall 2014. Also, ICE is working with DOS on the memorandum of understanding (MOU) required prior to expansion. ICE requests this recommendation be considered resolved and open pending completion of the corrective action. Estimated Date for Completion: November 28, 2014

Again, we thank you for the opportunity to review and comment on this draft report. Upon completion of your analyses, we request that you consider three of the 10 recommendations closed, and the remaining seven recommendations resolved and open pending completion of the action plans. Technical and sensitivity comments have been sent under separate cover. We look forward to working with you in the future.

Should you have any questions, please contact Michael Moy, Senior Portfolio Manager, at (202) 732-6263 or by e-mail at Michael.C.Moy@ice.dhs.gov.



## **Appendix C**

### **Additional Guidance for the Visa Security Program**

In addition to the *Homeland Security Act of 2002*, other legal authorities and agreements under which the VSP operates include:

*Memorandum of Understanding between the Secretaries of State and Homeland Security Concerning Implementation of Section 428 of the Homeland Security Act of 2002* (2003): Delineates the roles and responsibilities of the departments regarding the visa issuance process and visa security activities, as well as the coordination between the two at overseas posts.

*Memorandum of Understanding between the Department of State and U.S. Immigration and Customs Enforcement, Visa Security Unit on Administrative Aspects of Assigning Personnel Overseas* (2004): Sets forth agreed authorities and principles for coordination of Visa Security Unit (VSU) personnel activities with Chiefs of Mission.

*Memorandum of Understanding between the Department of State, Bureau of Consular Affairs and the Department of Homeland Security Immigration and Customs Enforcement for Cooperation in Enhanced Border Security* (2005): Facilitates interagency information sharing of visa records and immigration and enforcement information.

*Public Law 110-28* (2007): Funded the creation of a Security Advisory Opinion Unit within the VSP.

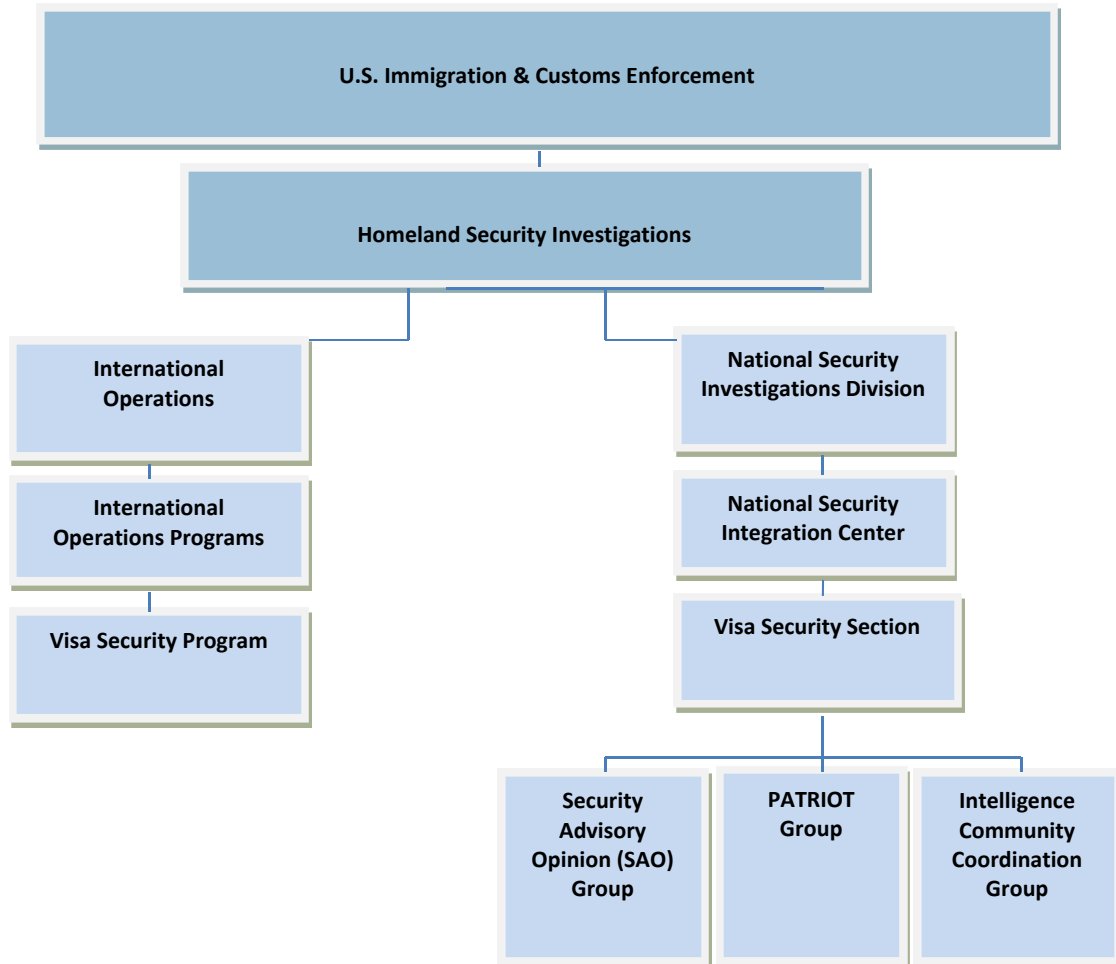
*Memorandum of Agreement between the Department of State and the Department of Homeland Security Regarding the Sharing of Visa and Passport Records and Immigration and Naturalization and Citizenship Records* (2008): Establishes sharing of visa and passport records and immigration and naturalization and citizenship records.

*Memorandum of Understanding among U.S. Immigration and Customs Enforcement of the Department of Homeland Security and the Bureaus of Consular Affairs and Diplomatic Security of the Department of State on Roles, Responsibilities and Collaboration at Visa Security Units Abroad* (2011): Delineates roles, responsibilities, and collaboration in the day-to-day operation of VSUs at U.S. embassies and consulates abroad.



**OFFICE OF INSPECTOR GENERAL**  
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**Appendix D**  
**Current VSP Headquarters Structure**



Source: OIG Analysis



## **Appendix E**

### **Major Contributors to This Report**

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## **OFFICE OF INSPECTOR GENERAL**

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### **Appendix F**

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